

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention passed by the Collector & District Magistrate, Kurnool District, against Sri Penugonda Nagaraju, S/o Pullanna, Age 49 years, R/o Ekalavyanagar, Nandyal (Mandal H.Q), Kurnool District – Approved and confirmed - Representation of the Detenu – Disposed of – Orders - Issued.

GENERAL ADMINISTRATION (LAW AND ORDER.II) DEPARTMENT

G.O.Rt.No. 2400

Dated 01.06.2011
Read the following:-

- 1.Order of detention in Rc.No.C1/209/M/2011, dt. 13-2-2011 of the Collector & District Magistrate, Kurnool District,
- 2.G.O.Rt.No.776,G.A. (L&O-II) Department, dt.23-2-2011.
- 3.G.O.Rt.No.1128,G.A. (L&O-II) Department.,dt.15-03-2011.
- 4.Representation of the detenu, dt, 15-03-2011, communicated through the Letter dt. 15-3-2011 of the Supdt., Central Prison, Cherlapalli.

ORDER:

In the reference first read above, the Collector & District Magistrate, Kurnool District has passed detention order against Sri Penugonda Nagaraju, S/o Pullanna, Age 49 years, R/o Ekalavyanagar, Nandyal (Mandal H.Q), Kurnool District, under Act No.1 of 1986, as he has been repeatedly indulging in illegal storage, possession, sale and transportation of I.D. liquor in contravention of A.P. Prohibition Act, 1995, which is prejudicial to the maintenance of public health and public order. In the G.Os. second and third read above, Government have approved and confirmed the said order of detention.

2. In the ref. 4th read above, the detenu has filed a representation before the Government, contending inter alia that he never indulged in sale of I.D. arrack nor in possession of liquor at any time; that the Excise Police have filed false cases against him and placed them before the detaining authority for passing detention order; that he t four cases referred in the grounds of detention are foisted and that the proceedings and the averments made therein are stereotyped; that in none of the cases, I.D. Arrack was seized from him in the presence of mediators and mentioned in the proceedings that " tried for mediators, but in vain" and the contention is rather difficult to believe that the Excise Officials could not secure mediators in the town. He has further contended that it is evident from the material that he was revealed without any opposition and if really the cases were serious necessitating Preventive Detention, the Ex.Officials would have opted for opposing grant of bail by the learned Magistrate. But they allowed him for release and subsequently arrested him in foisted cases and named the cases for invoking the provisions of P.D. Act; that the detaining authority has mechanically accepted the report of Excise Officials, Nandyal and issued the order of detention without application of mind . He has therefore requested to release him, by cancelling the detention order.

(PTO)

3. The representation of the detenu has been examined, and it is observed that the detenu was arrested by the Excise Officials, while he was in possession of 15Lts., 20 Lts., 5 Lts of I.D. Arrack in the first three cases and in the fourth case the police officials caught him redhanded while he was in possession of 5 Lts., ID arrack, hence his contention that he never indulged in sale or possession of ID liquor at any time is not correct. With regard to the contention that the cases were registered based on special proceedings, but not in the presence of the mediators, it is observed that when the mediators are neither available nor declined to act as mediators, at the scene of offence, there is nothing wrong in registering the cases based on the special proceedings, as the Excise Officials cannot compel any person to act as mediator, unless one come forward to act as a mediator. On perusal of the bail petitions and release orders, it is observed that though the APPO has opposed the bail petitions, the individual was enlarged on bail by the learned Magistrate on certain conditions, observing that by the time of granting bail, the investigation was completed. As such the contention of the applicant that he was allowed to release on bail without opposition and subsequently he was arrested in false cases for naming the same for the purpose of P.D. Act is not correct. It is further observed that though the individual was arrested and sent to judicial custody, he did not mend his activities, and even after his release on bail, he resorted repeatedly to similar offences of possession of I.D. liquor, which is unfit for human consumption and injurious to health. The Collector and District Magistrate, taking into consideration, the ill effects of I.D. liquor on the general public health and public order has passed the order of detention to prevent him from further indulging in such offences in the interest of public at large by invoking the provisions under Act 1 of 1986. Further, when the matter was placed before the Advisory Board for review, the Board has tendered its opinion that there is sufficient case for the detention of the detenu.. Keeping in view of the opinion of the Advisory Board, orders have been issued in the G.O.3rd read above, confirming the detention order. Hence, it is considered that the representation of the applicant merits no consideration and liable for rejection.

4. Accordingly, Government hereby reject the representation of the detenu, Sri Penugonda Nagaraju, for his release.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.V. PRASAD
CHIEF SECRETARY TO GOVERNMENT

To

Sri Penugonda Nagaraju, S/o Pullanna, Age 49 years,
R/o Ekalavyanagar, Nandyal (Mandal H.Q), Kurnool District
through the Superintendent, Central Prison, Cherlapalli.

Copy to-

The Superintendent, Central Prison, Cherlapalli (with instructions to serve the order on the detenu immediately under proper acknowledgement and arrange to read over and explain the contents therein to the detenu in the language known to her and report compliance to Government).

The Collector and District Magistrate, Kurnool

The Prohibition and Excise Superintendent, Nandyal, Kurnool District.

Sf/sc

//FORWARDED:: BY ORDER//

SECTION OFFICER (SC)